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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,087	02/17/2004	Matthew W. Starks	65856-0054	9884

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EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,087

Applicant(s)

STARKS ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

By

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-10, 30, 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mintz, U.S. Patent No. 6,266,527 in view of Ma et al (Ma), U.S. Patent No. 6,819,924.

Regarding claim 1, Mintz discloses a system for viewing measurements remotely, comprising: a processor that is connected to a wireless communications device, wherein the processor is programmed to retrieve at least one measurement from at least one measurement device via the wireless communications device (col. 4, lines 6-34, col. 4, lines 45-63).

Mintz, however, fails to disclose the processor and the wireless communication device being external to an equipment.

In a similar field of endeavor, Ma discloses a universal quality measurement system for multimedia and other signals. Ma further discloses a processor and a wireless communication device being external to an equipment (abstract and col. 2, lines 13-23 and col. 2, lines 53-67).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Mintz with the teachings of Ma for the purpose of allowing the measured information to be shared throughout the system (Ma, see abstract).

Regarding claim 3, the combination of Mintz and Ma discloses the system of claim 1, further comprising a user interface connected to the processor (Ma, col. 4, lines 59-63).

Regarding claim 4, the combination of Mintz and Ma discloses the system of claim 1, wherein the processor is further programmed to configure the measurement device (Ma, col. 4, lines 6-12; figure 2).

Regarding claim 5, the combination of Mintz and Ma discloses the system of claim 1, wherein the processor is further programmed to perform at least one of: displaying data that has been retrieved from the measurement device, analyzing data that has been retrieved from the measurement device, and storing data that has been retrieved from the measurement device (Ma, col. 4, lines 56-63).

Regarding claim 6, the combination of Mintz and Ma discloses the system of claim 1, wherein the processor is included in a computer that is selected from the group consisting of a custom-designed computing device, a desktop personal computer, a

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laptop personal computer, a handheld computer, and a java-enabled portable computing device (Ma, col. 4, lines 49-58; figures 1 and 2).

Regarding claim 7, the combination of Mintz and Ma discloses the system of claim 1, further comprising a wireless network (Ma, figures 1 and 2).

Regarding claim 8, the combination of Mintz and Ma discloses the system of claim 7, wherein the wireless communications device sends signals to the measurement device via the wireless network (Ma, col. 4, lines 6-63; figure 2).

Regarding claim 9, the combination of Mintz and Ma discloses the system of claim 7, wherein the measurement device sends signals to the wireless communications device via the wireless network (Ma, col. 4, lines 6-63; figure 2).

Regarding claim 10, the combination of Mintz and Ma discloses the system of claim 1, wherein the measurement device is selected from the group consisting of inherently a gauge and a transducer as evidenced by the fact that signals are being measuring (Ma, col. 4, lines 11-23).

Regarding claims 30 and 31, the combination of Mintz and Ma discloses wherein the measurement relates to a component (i.e., the RF signal), wherein the component is a component in a vehicle (i.e., the air carrying the components, since vehicle in its broadest sense means a carrier) (Ma, figure 2).

Regarding claim 35, the combination of Mintz and Ma discloses the system of claim 1, wherein the at least one measurement device is selectively detachably connected to a component in the equipment (Ma, abstract and col. 2, lines 13-23).

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4. Claims 12, 13, 19-29 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinonen (Heinonen), U.S. Pub. No. 2002/0119769 in view of Ma.

Regarding claim 12, Heinonen discloses a system comprising: at least one sensor that provides at least one output related to a component; and at least one measurement device comprising a processor programmed to (1) receive as an input the output from the sensor and (2) wirelessly communicate with a remote device (0035-0037, 0042).

Heinonen, however, fails to disclose a processor external to an equipment. Ma discloses this limitation (abstract and col. 2, lines 13-23 and col. 2, lines 53-67).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Mintz with the teachings of Ma for the purpose of allowing the measured information to be shared throughout the system (Ma, see abstract).

Regarding claim 13, the combination of Heinonen and Ma discloses the system of claim 12, wherein the processor is further programmed to convert the input to a measurement (Heinonen, 0035-0037).

Regarding claim 19, the combination of Heinonen and Ma discloses the system of claim 12, further comprising a wireless network (Heinonen, figure 1).

Regarding claim 20, the combination of Heinonen and Ma discloses the system of claim 19, wherein the remote device sends signals to the measurement device via the wireless network (Heinonen, figure 1).

Regarding claim 21, the combination of Heinonen and Ma the system of claim 19, wherein the measurement device sends signals to the remote device via the wireless network (Heinonen, figure 1).

Regarding claim 22, the combination of Heinonen and Ma discloses the system of claim 12, wherein the measurement device is selected from the group consisting of inherently a gauge and a transducer (Heinonen, 0035-0037).

Regarding claim 23, the combination of Heinonen and Ma discloses the system of claim 12, wherein the measurement device comprises a second wireless communications device that is capable of being attached to at least one second measurement output device (Heinonen, figure 1).

Regarding claim 24, the combination of Heinonen and Ma discloses the system of claim 12, wherein the processor is further programmed to receive configuration information from the remote device (Heinonen, 0042).

Regarding claim 25, the combination of Heinonen and Ma discloses the system of claim 12, wherein the remote device is selected from the group consisting of inherently a custom-designed computing device, a desktop personal computer, a laptop personal computer, a handheld computer, or a Java-enabled portable computing device (Heinonen, 0035-0037).

Regarding claim 26, Heinonen discloses a system for viewing measurements remotely, comprising a first processor that is connected to a wireless communications device; at least one sensor that provides at least one output related to a component; and at least one measurement device comprising a second processor programmed to

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(1) receive an input from the sensor and (2) wirelessly communicate with the first processor, wherein the first processor is programmed to retrieve measurements from the measurement device via the wireless communications device (0035-0037, 0042; figure 1).

Heinonen, however, fails to disclose a processor external to an equipment. Ma discloses this limitation (abstract and col. 2, lines 13-23 and col. 2, lines 53-67).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Mintz with the teachings of Ma for the purpose of allowing the measured information to be shared throughout the system (Ma, see abstract).

Regarding claims 27 and 32, the combination of Heinonen and Ma discloses wherein the component is a component in a vehicle (i.e., the air carrying the components, since vehicle in its broadest sense means a carrier).

Regarding claims 28 and 33, the combination of Heinonen and Ma discloses wherein the at least one sensor is a plurality of sensors (Heinonen, 0041).

Regarding claims 29 and 34, the combination of Heinonen and Ma discloses wherein the at least one measurement device is a plurality of measurement devices (Heinonen, 0037).

Regarding claims 36 and 37, the combination of Heinonen and Ma discloses the systems of claims 12 and 26 wherein the at least one measurement device is selectively detachably connected to the component (Ma, abstract and col. 2, lines 13-23).

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5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mintz, Ma and further in view of Heinonen.

Regarding claim 2, the combination of Mintz and Ma, discloses the system of claim 1 as described above. The combination, however, fails to disclose wherein the measurement represents at least one output from a sensor.

Heinonen discloses this limitation (0035).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Mintz and Ma with the teachings of Heinonen since it is well known to utilize sensors in wireless environments. Further such a feature would be desirable to observe environmental phenomena which could affect users in the wireless system (Heinonen, 0035).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mintz and Ma.

Regarding claim 11, the combination of Mintz and Ma discloses the system of claim 1 as described. The combination, however, fails to disclose wherein the wireless communications device is capable of being attached to at least one second measurement output device.

However, the examiner believes that the above limitation would not render the claims patentable over the applied reference because it merely depends on the number of measuring devices one would like in the system without changing the scope of the invention in the applied reference. Therefore, at the time of invention, it would have

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been obvious to a person of ordinary skill in the art to modify the combination of Mintz and Ma with multiple measurements for the purpose of obtaining more data about the system.

7. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen and Ma.

Regarding claims 13-18, the combination of Heinonen and Ma discloses the system of claim 12 as described above.

The combination, however, fails to specifically disclose the limitations of claims 13-18. However, the examiner believes that the limitations of claims 13-18 would not render the claims patentable over the applied reference because they merely depend on what type of and how information is desired to be measured, without changing the scope of the invention in the applied reference. Therefore, at the time of invention it would have been obvious to a person of ordinary skill in the art to modify the combination of Heinonen and Ma with the limitations of claims 13-18 for the purpose of having more ways to measure signals.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pinola, U.S. Patent Pub. No. 2005/0221817.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

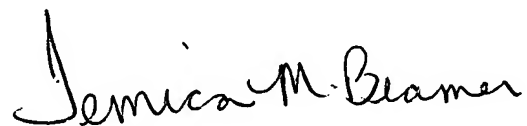
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

tmb



TEMICA BEAMER
PRIMARY EXAMINER

10/17/05